

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

*Plaintiff,*

V.

CHARTER COMMUNICATIONS, INC.,

*Defendant.*

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CIVIL ACTION NO. 2:23-CV-00050-JRG

(LEAD CASE)

CIVIL ACTION NO. 2:23-CV-00051-JRG

(MEMBER CASE)


## ORDER

Before the Court is Defendant Charter Communications, Inc.’s (“Charter”) Motions to Dismiss the Amended Complaint for Improper Venue Pursuant to FRCP 12(b)(3) (the “Motions”). (Case No. 2:23-cv-00050-JRG, Dkt. No. 17; Case No. 2:23-cv-00051, Dkt. No. 13.) In the briefing for the Motions, Charter admits that the Motions are “based on identical facts and arguments” as that of its Motion to Dismiss for Improper Venue in related case *Entropic Communications, LLC v. Charter Communications, Inc.*, No. 2:22-cv-0125-JRG (E.D. Tex.) (the “125 Case”) (Dkt. No. 18), which was denied by order of this Court on May 3, 2023 (125 Case, Dkt. No. 91).<sup>1</sup> (Case No. 2:23-cv-00050-JRG, Dkt. No. 27 at 1 n.1; Case No. 2:23-cv-00051, Dkt. No. 22 at 1 n.1.) Charter petitioned the Federal Circuit for a writ of mandamus directing this Court to dismiss the 125 Case for improper venue, and the petition was denied by the Federal Circuit. (125 Case, Dkt. No. 161.)

1 Charter states in its briefing: “[a]lthough this Court recently rejected [Charter’s] motion to dismiss for improper venue in *Entropic Communications, LLC v. Charter Communications, Inc.*, No. 2:22-cv-0125 (E.D. Tex.), Dkt. 91 (Order dated May 3, 2023, filed under seal) based on identical facts and arguments, [Charter] respectfully disagrees with the decision, and files this reply to preserve its arguments and rights while it explores whether to seek appellate review of the Court’s May 3, 2023 decision.” (Case No. 2:23-cv-00050-JRG, Dkt. No. 27 at 1 n.1; Case No. 2:23-cv-00051, Dkt. No. 22 at 1 n.1.)

Since Charter admits that the Motions here are based on “identical facts and arguments” as its previously denied Motion to Dismiss for Improper Venue in the 125 Case, the Court finds that the Motions (Case No. 2:23-cv-00050-JRG, Dkt. No. 17; Case No. 2:23-cv-00051, Dkt. No. 13) should be and hereby are **DENIED** for the same reasons and on the same bases as contained in the Court’s Order denying Charter’s prior Motion to Dismiss for Improper Venue in the 125 Case. (*See* 125 Case, Dkt. No. 91.)

**So ORDERED and SIGNED this 17th day of October, 2023.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE